

DEPARTMENT OPERATIONS MANUAL
CHAPTER 1, ADMINISTRATION
ARTICLE 20—POLYGRAPH

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14030.1 Policy

A polygraph examination is a tool, which may be used during official departmental investigations, by which the polygraph examiner formulates an opinion as to the veracity of statements made by an examinee.

14030.2 Purpose

This section seeks to ensure that the rights of the persons being examined (herein referred to as the examinee) are protected through the consistent compliance of all statutes and regulations governing the polygraph examination process.

14030.3 Responsibility - Secretary

The Secretary retains overall responsibility for the proper administration of all polygraph examinations by departmental staff.

14030.3.1 Responsibility —Chief, Office of Correctional Safety (OCS)

The Chief, OCS, supervises departmental employees who perform polygraph examinations and the administration of all such examinations.

14030.3.2 Responsibility — Polygraph Examiner

The polygraph examiner shall not knowingly violate the rights of the examinee. The examiner shall comply with all statutes and regulations governing the polygraph examination process. The examiner shall not conduct a polygraph examination without proper authorization. The examiner shall not disclose or discuss the examination or the results of the examination with anyone not authorized to receive the information.

14030.4 Polygraph Examiners and Equipment

Only staff of the OCS shall conduct polygraph examinations. Only equipment approved by the Chief, OCS, shall be used during a polygraph examination conducted by departmental staff.

14030.5 Who May Request a Polygraph Examination

An employee, inmate, or parolee under investigation for an alleged violation of the law or a regulation may make a request for a polygraph examination. No person shall be ordered to take a polygraph examination. No coercion or offer of reward shall be used to induce any person to take a polygraph examination.

14030.6 Conditions for a Polygraph Examination

The following conditions shall be met before a polygraph examination may be conducted:

- If an employee requests or agrees to an examination, they shall have completed and signed a CDC Form 1498, Employee Request For Polygraph Examination.

- The examinee shall have voluntarily consented to the examination.
- The examinee shall have voluntarily signed a CDC Form 1499, Polygraph Examination Consent, Release, and Waiver.
- The prior approval of the Chief, OCS, shall have been obtained.

Used During Investigation

The polygraph examination shall be used only when there is an active departmental investigation in progress and other investigative efforts have been exhausted. All employees of the CDCR shall be afforded the protections provided under the Public Safety Officers Procedural Bill of Rights concerning the use of polygraph examinations. For further information concerning an employee's rights in situations which might result in an adverse personnel action, the reader is directed to the DOM 31140, Internal Affairs Investigations; and 33030, Adverse Personnel Actions.

14030.7 Approval for Polygraph Examinations

The Chief, OCS, or in their absence, the Special Agent-In Charge, shall review and approve all requests for a polygraph examination.

14030.8 Requests from Other Agencies for a Polygraph Examination

The Chief, OCS, may permit the administration of a polygraph examination by departmental staff upon written request from another law enforcement agency when a departmental employee, inmate, or parolee is under investigation, and/or a departmental interest can be served.

When a paroling authority requests a polygraph examination, the chairperson of the appropriate board shall make a written request to the Chief, OCS.

14030.9 Polygraph Examinations by Other Agencies

Polygraph examinations may be administered by non-departmental persons to inmates and parolees under the Department's jurisdiction only under the following conditions:

- With the prior approval of the Chief, OCS, and
- Under such conditions and at a time and place set by the Warden or RPA having jurisdiction over the inmate or parolee, and
- With the consent of the DA of the involved county, when in connection with the guilt or innocence for an offense in which a conviction resulted, or
- When ordered by a court having jurisdiction in a currently pending criminal case.

14030.10 Polygraph Examination Results

Upon completing a polygraph examination, the examiner may discuss with the examinee, in general terms, the opinion formed as a result of the examination. The opinion formed may be that the examinee has been "truthful" or "deceptive" in answering the questions. If the examiner is unable to reach an opinion based upon the examination, the result would be the examination was "inconclusive." When in the opinion of the polygraph examiner the examinee has been truthful, the examiner may express that opinion to the examinee and terminate the examination.

When in the opinion of the polygraph examiner the examinee has been deceitful, the examiner may confront the examinee with that opinion in the attempt to elicit truthful answers. In this case, the examination may continue. Except in unusual circumstances, polygraph examinations shall not be used as substitutes for or to check the outcome of inmate disciplinary hearings, parole revocation hearings, or parole rescission hearings.

Confidential

The written report and all examination materials shall not be considered public documents. They shall not be released or disclosed. They are considered part of an ongoing investigation and, as such, are classified as confidential.

The examiner's report shall be made available to the Secretary, the Chief, OCS, and the Warden or RPA having jurisdiction over the employee, inmate, or parolee unless specifically restricted by the Secretary. A copy of the report shall be retained in the files of the OCS.

14030.11 Revisions

The Chief, OCS, or designee shall be responsible for ensuring that the contents of this section are kept current and accurate.

14030.12 References

B&PC § 9303, et seq.

GC § 3300, et seq.

PC § 637.4.

CCR (15) (3) § 3293.

DOM §§ 31140 and 33030.

Public Safety Officer's Procedural Bill of Rights.